

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

The courtesies extended to Applicant and Applicant's representative by Examiner Boyce at the personal interview held June 30, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicant's record of the interview.

As a result of the Final Office Action of January 26, 2009, claims 1-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Rebane* (U.S. 7,013,285).

In response, claims 1, 5, 9, and 19 are amended, and as presented below, are believed to be patentable over *Rebane* for the failure of the applied art to disclose, teach or suggest all of Applicant's recited claim features.

As amended, claim 1 recites:

“generating the 3-D customer demand rating of each segment based on desires, delivery and dollars at a single point in time; and

rendering profiles corresponding to the 3-D customer demand rating on an output device, wherein the rendered profiles identify a willingness to pay a dollar amount for a predetermined set of attributes.” (Emphasis added).

Applicant respectfully submits that unlike *Rebane* that appears to disclose a 2-dimensional system that requires looking at responses on a single attribute over time, claim 1 recites collecting three-dimensions of demand (Desires, Dollars paid, and Delivery) pertaining to a single point in time. In other words, unlike *Rebane*, time is not a dimension of interest of the instant invention.

Furthermore, *Rebane* appears to only predict future customer growth in a particular market and fails to disclose identifying a willingness to pay a dollar amount for a predetermined set of attributes, as recited in claim 1.

In addition, unlike Applicant's method wherein indexes are an integral part of the 3-D demand rating and uses common scales across 3-dimensions that specifically include dollars paid to identify a consumer's willingness to pay, *Rebane* only suggests a standard use of "e-commerce data," (see *Rebane*, column 16, lines 56-65).

In addition to the above distinguishing features, Table 1, provided below summarizes the differences between Applicant's method and *Rebane*.

Table 1

Rebane	Williams
Limited to the e-commerce market (retail) (See abstract)	Covers any markets (retail, airlines, restaurants, etc.)
Data stabilizer and forecasting model based on two-dimensions (time and attribute). <i>Rebane</i> does not cover 3-dimensional ratings systems, and instead is a standard two-dimensional system comprising attributes and time. <i>Rebane</i> is a weighted algorithm formula for a single attribute. (Column 19, line 3)	Quantification of demand levels based on three-dimensions (desires, dollars paid, delivery), and the ability to quantify pent-up demand. (Page 2, line 13) (Page 15, line 3)
Predicts the future growth (in #'s of consumers) of a market to its saturation level	Identifies the willingness of consumers to pay a dollar amount for a specific set of attributes, which thereby increases the revenues for a supplier (Page 2, line 28) (Page 3, line 23)
Surveys require that the consumer has purchased from the merchant in order to complete a questionnaire (Column 10, line 40)	Includes prospective customers that have not purchased from the supplier before (Page 4, line 18) (Page 14, line 30)
Product pricing is relative to what other stores offer, not the absolute price (Figure 19a) (column 10 line 58)	Customer must state price paid or willing to pay (Page 8, line 24)
Survey questions, which include dollars amount paid, are merely exemplary and compared to defining characteristics like demographics, preferences, etc. They are "attached" to the questionnaire and not a	Dollars paid are an integral part of the calculations for the 3-D Demand Rating. (Page 14, line 8)

key part of the Data Stabilizer or SLF modeling. (Column 11, line 49)	
The use of indices are discussed as “standard” and not used in the invention. Thus, Rebane does not consider the use of indices in their method. (Column 16, line 65)	Indexes are an integral part of the 3-D demand rating, and is a clear differentiation point to overcome Rebane. The use of common scales across 3 dimensions that specifically include dollars paid to identify a consumer's willing to pay is a novel idea. (Page 9, line 11) (Page 7, line 24)
The SLF (saturated limited forecast) model is to forecast the growth of a population. The predictions are all related to size, not dollars amount to spend. (Column 28, line 62)	A key part of demand ratings are to collect all the data at a single point in time for comparisons against each other. (Page 2, line 28)
Predictions are for points in time. (Column 29, line 25)	Predictions are for willingness to pay for a specific set of attributes as defined by the demand segment. (Page 17, line 17) (Figure 7)

Table 1 (continued)

Based upon the above presented arguments, Applicant respectfully submits that that independent claim 1 is patentable over the applied art because *Rebane*, taken as a whole, does not suggest Applicant's claimed method for rating customer demand, and furthermore, because *Rebane* fails to disclose, teach or suggest each and every feature recited in independent claim 1.

Independent claims 5, 9, and 19 are similar to claim 1 and are likewise patentable over *Rebane* for the reasons presented above.

Claims 2-4, 6-8, and 11-18 are likewise patentable at least based on their dependency on an allowable base claim, as well as for additional features they recite.

Accordingly, withdrawal of the rejection over *Rebane* is respectfully requested.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the application is in condition for allowance and a Notice to that effect is earnestly solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN HAM & BERNER, LLP

A handwritten signature in black ink that reads "Kenneth M. Berner". The signature is written in a cursive, flowing style.

Kenneth M. Berner
Registration No. 37,093

1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111
(703) 518-5499 Facsimile
Date: July 31, 2009
KMB/ERM/ser